



February 20, 2003

HOUSE BILL No. 1020

DIGEST OF HB 1020 (Updated February 19, 2003 10:38 AM - DI 71)

Citations Affected: IC 11-11; IC 11-12; IC 36-2.

Synopsis: Display of racist markings or insignia. Requires the department of correction and community corrections advisory boards to prohibit employees from displaying racist markings on their bodies or clothing or in correctional facilities.

Effective: July 1, 2003.

Smith V, Cheney, Ayres, Foley

January 7, 2003, read first time and referred to Committee on Human Affairs.
February 19, 2003, amended, reported — Do Pass.

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HB 1020—LS 6094/DI 105+



February 20, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1020

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-11-6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The department
3 shall adopt policies and procedures for the protection of committed
4 persons, including:
5 (1) the monitoring of committed persons whose presence in the
6 general population of a facility or program constitutes a threat of
7 physical danger to other persons;
8 (2) reasonable searches of committed persons, facilities and
9 premises to reduce the number of weapons and dangerous items;
10 (3) adequate staff supervision of committed persons, including
11 living quarters;
12 (4) maintenance of accurate records regarding incidents of
13 violence;
14 (5) referral of serious criminal conduct to investigating and
15 prosecuting authorities with appropriate information; and
16 (6) policies and procedures designed to reduce racial tension.
17 (b) **The department shall adopt rules under IC 4-22-2:**

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(1) prohibiting correctional employees from displaying racist markings or insignia on their bodies or clothing or in any facility; and

(2) defining racist markings and insignia prohibited under subdivision (1).

The rules adopted under this subsection must apply to all facilities subject to rules adopted by the department, including a juvenile detention facility operated under IC 31-31-8-5 and a juvenile detention center operated under IC 31-31-9-3.

(c) For purposes of IC 4-22-2, the terms "policies" and "procedures" as used in this section relate solely to internal policies and procedures not having the force of law.

(d) The policies, procedures, and rules adopted under this section must comply with the collective bargaining agreements that the department has entered into.

SECTION 2. IC 11-12-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. A community corrections advisory board established under section 2 of this chapter shall prohibit employees working in community corrections premises and facilities operated by the community corrections advisory board from displaying racist markings or insignia:

(1) on their bodies or clothing; or

(2) in any community corrections premises or facilities;

in compliance with the rules adopted by the department under IC 11-12-3-3.

SECTION 3. IC 11-12-3-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. The department shall adopt rules under IC 4-22-2:

(1) prohibiting community corrections employees from displaying racist markings or insignia on their bodies or clothing or in any state operated community corrections facility; and

(2) defining the racist markings and insignia prohibited under subdivision (1).

SECTION 4. IC 11-12-4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. The department shall adopt rules under IC 4-22-2:

(1) prohibiting county jail employees and officers from displaying racist markings or insignia on their bodies or clothing or in any county jail; and

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(2) defining the racist markings and insignia prohibited under subdivision (1).

SECTION 5. IC 36-2-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The sheriff shall:

(1) arrest without process persons who commit an offense within his view, take them before a court of the county having jurisdiction, and detain them in custody until the cause of the arrest has been investigated;

(2) suppress breaches of the peace, calling the power of the county to his aid if necessary;

(3) pursue and jail felons;

(4) execute all process directed to him by legal authority;

(5) serve all process directed to him from a court or the county executive;

(6) attend and preserve order in all courts of the county;

(7) take care of the county jail and the prisoners there; ~~and~~

(8) take photographs, fingerprints, and other identification data as he shall prescribe of persons taken into custody for felonies or misdemeanors; **and**

(9) enforce rules concerning county jail employees and officers adopted under IC 11-12-4-2.5.

(b) A person who:

(1) refuses to be photographed;

(2) refuses to be fingerprinted;

(3) withholds information; or

(4) gives false information;

as prescribed in subsection (a)(8), commits a Class C misdemeanor.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, after "facility;" insert "**and**".

Page 2, line 5, delete "; and" and insert ".".

Page 2, delete lines 6 through 7.

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"(d) The policies, procedures, and rules adopted under this section must comply with the collective bargaining agreements that the department has entered into."

Page 2, line 18, delete "shall:" and insert "**shall**".

Page 2, line 19, delete "(1)".

Page 2, run in lines 18 through 19.

Page 2, line 22, delete "(A)", begin a new line single block indented and insert:

"(1)".

Page 2, line 23, delete "(B)", begin a new line single block indented and insert:

"(2)".

Page 2, delete lines 24 through 26.

Page 2, line 35, after "facility;" insert "**and**".

Page 2, line 37, delete "; and" and insert ".".

Page 2, delete lines 38 through 39.

Page 3, line 4, after "jail;" insert "**and**".

Page 3, line 6, delete "; and" and insert ".".

Page 3, delete lines 7 through 8.

and when so amended that said bill do pass.

(Reference is to HB 1020 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 9, nays 2.

